UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMED ABDELAL, Plaintiff, Vs. COMMISSIONER, RAYMOND W. KELLY; CITY OF NEW YORK, Defendants.	Civil Action No. 13-cv-04341 (ALC)(SN) **DECLARATION OF CHRISTOPHER Q. DAVIS**

CHRISTOPHER Q. DAVIS, an attorney duly admitted to practice law in the Courts of the State of New York, pursuant to 28 U.S.C. § 1746(2), declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am an attorney admitted to practice before the courts of the State of New York and the United States District Court for the Southern District of New York. I am the Partner and Principal in the Law Office of Christopher Q. Davis, counsel for Plaintiff, Mohamed Abdelal in the above-captioned matter. I submit this declaration to assemble the record and relevant facts in support of Plaintiff's opposition to Defendants' Motion for Summary Judgment.

2. Attached as **Exhibit 1** is a true and correct copy of the full Internal Affairs Bureau ("IAB") investigative file on Plaintiff Mohamed Abdelal.[1]

3. Attached as **Exhibit 2** is a true and correct copy of the NYPD's Performance Monitoring file on Plaintiff Mohamed Abdelal.[2]

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[1] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.
[2] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

4. Attached as **Exhibit 3** is a true and correct copy of comparator evidence provided by the NYPD. Specifically, Exhibit 3 includes disciplinary charges for individuals who were charged with the same offense as Plaintiff—namely visiting a correctional facility without prior approval from a commanding officer. This comparator evidence only includes individuals who were non-probationary officers and whom Commissioner Raymond Kelly sign off – whether approvingly or disapprovingly – on their recommended penalties.[3]

5. Attached as **Exhibit 4** is a true and correct copy of a demonstrative chart, created by Plaintiff's counsel, that summarizes the evidence contained in Exhibit 3.[4]

6. Attached as **Exhibit 5** is a true and correct copy of all relevant excerpts from the Deposition Transcript of Commissioner Raymond W. Kelly dated Thursday, December 17, 2015 which are cited in Plaintiff's Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment ("Plaintiff's Opposition Brief") and Plaintiff's accompanying Opposition to Defendants' Rule 56.1 Statement and Plaintiff's Statement of Additional and Disputed Facts ("Pl.'s 56.1 Statement").[5]

7. Attached as **Exhibit 6** is a true and correct copy of Plaintiff's Amended Complaint (the "Amended Complaint"), dated July 3, 2014, Dkt. No. 19.

8. Attached as **Exhibit 7** is a true and correct copy of Defendants' Answer to Plaintiff's Amended Complaint dated January 20, 2015, Dkt. No. 55.

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[3] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

[4] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

[5] This document has been designated "Confidential" pursuant to the parties' Stipulation and Protective Order, entered by the Court in this matter on November 3, 2015 and is therefore filed under seal.

9. Attached as **Exhibit 8** is a true and correct copy of all relevant excerpts from the Deposition Transcript of Plaintiff Mohamed Abdelal ("Plaintiff" or "Abdelal") dated Thursday, September 15, 2015 which are cited in Plaintiff's Opposition Brief and Pl.'s 56.1 Statement.

10. Attached as **Exhibit 9** is a true and correct copy of Plaintiff Mohamed Abdelal's sworn affidavit, dated August 22, 2016.

11. Attached as **Exhibit 10** is a true and correct copy of all relevant excerpts from the Deposition Transcript Raymond Spinella ("Spinella") dated September 29, 2015, which are cited in Plaintiff's Opposition Brief and Pl.'s 56.1 Statement.

12. Attached as **Exhibit 11** is a true and correct copy of the Decision and Order of the Supreme Court, Appellate Division, First Department in Plaintiff's Article 78 appeal, Index No. 100714/13, dated March 17, 2016.

13. Attached as **Exhibit 12** is a true and correct copy of FOIL documents produced to the Brennan Center for Justice regarding the making and showing of The Third Jihad video.

Dated: August 26, 2016
New York, NY

Respectfully submitted,
By: ____/s/__________________________
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